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10/723,996	11/26/2003	Robert J. Polilli	600181-018	7980
61834	7590	02/23/2009	EXAMINER	
Ostrow Kaufman & Frankl LLP Susan Formicola The Chrysler Building 405 Lexington Avenue, 62nd Floor NEW YORK, NY 10174			RAPILLO, KRISTINE K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,996	Applicant(s) POLILLI ET AL.
	Examiner KRISTINE K. RAPILLO	Art Unit 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 December 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 2,3 and 15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 4-14, and 16-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 4/26/2004; 4/17/2006
- 4) Interview Summary (PTO-413) Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment submitted December 11, 2008. Claims 1, 4 - 6, 8, 10 – 11, 13 – 14, and 16 – 20 are amended. Claims 2 – 3 and 15 are cancelled. Claims 1, 4 - 14, and 16 - 20 are presented for examination.

Claim Rejections - 35 USC § 101

2. The 35 U.S.C. 101 rejection of claim 1 is hereby withdrawn based upon the amendment submitted December 11, 2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4 – 6, 8 – 10, 14, and 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over ICICI Prudential Life Insurance SmartKid website, hereinafter SmartKid (2002; (<http://web.archive.org/web/20030711211642/iciciprulife.com/creative/blankproduct.jsp?productid=169>)) in view of Sexton et al., herein after Sexton (U.S. Patent Number 5,752,236).

In regard to claim 1 (Currently Amended), Smartkid teaches a method for providing juvenile insurance having a waiver of premium feature comprising: determining one of a premium and a death benefit for the potential payor, the premium or death benefit computed based at least in part on the potential payor's affiliation as a member within a group of individuals having at least one commonality between them (paragraph 4, where the group of payors with a commonality are parents (with children between the ages

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of 0 – 12) not directly dependent on at least one of age, health, and gender of the potential payor (paragraph 4) where the policy is computed based upon the child's age, not the payor's age; and offering, to the potential payor, a juvenile insurance policy having the waiver of premium feature and the determined premium or death benefit (paragraphs 4, 9 - 12 and 22) where parents have the opportunity to purchase a policy

Smartkid fails to teach a method comprising: electronically obtaining information useful for issuing a juvenile insurance policy for a potential payor and an insured via a computer; and electronically determining, via the computer one of a premium and a death benefit for the potential payor, the determining based at least in part on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of acceptable payors based on at least one eligibility requirement or a subset of the group of acceptable payors.

Sexton teaches a method comprising: electronically obtaining information useful for issuing a juvenile insurance policy for a potential payor and an insured via a computer (column 13, lines 29 – 66; column 14, lines 10 – 23; and column 18, line 61 through column 19, line 6) where risk factors and other pertinent information is obtained; and electronically determining, via the computer one of a premium and a death benefit for the potential payor (Abstract; column 4, lines 17 – 29; and column 18, line 61 through column 19, line 6), the determining based at least in part on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of acceptable payors based on at least one eligibility requirement or a subset of the group of acceptable payors (column 9, lines 1 - 30 and column 12, lines 19 - 26) where the probability of an event occurring is based upon data derived from insurance companies as well as the insured's risk factors.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising: electronically obtaining information useful for issuing a juvenile insurance policy for a potential payor and an insured via a computer; and electronically determining, via the computer one of a premium and a death benefit for the potential payor, the determining based at least in part on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of acceptable payors based on at

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least one eligibility requirement or a subset of the group of acceptable payors as taught by Sexton, within the method of Smartkid, with the motivation of providing life insurance policies on a computerized system (column 4, lines 54 – 59).

In regard to claim 4 (Currently Amended), SmartKid and Sexton teach the method of claim 1. Smartkid further teaches a method wherein the eligibility requirement comprises at least one of a maximum age and a generational qualification for payors (paragraph 4). A maximum age of 60 is disclosed as well as a generational qualification (equated to parents, because the parents are a different generation than the insured).

In regard to claim 5 (Currently Amended), SmartKid and Sexton teach the method of claim 1. Smartkid further teaches a method wherein the waiver of premium feature is a standard feature of the juvenile insurance policy (paragraph 11). The waiver of premium is a standard feature of the Smartkid policy.

In regard to claim 6 (Currently Amended), SmartKid and Sexton teach the method of claim 1. Smartkid further teaches a method wherein the event that triggers the waiver of premium feature comprises death of the payor (paragraphs 9 and 11).

In regard to claim 8 (Currently Amended), SmartKid and Sexton teach the method of claim 1. Smartkid further teaches a method comprising: determining one of a premium and a death benefit for the potential payor, the premium and death benefit computed based at least in part on the potential payor's affiliation with a group of individuals having at least one commonality between them (paragraph 4) where the group of payors with commonality are parents (with children between the ages of 0 - 12 years of age). In addition, the assured amount is calculated based upon the child's age, amount of policy, and length of policy (paragraphs 6 and 7); and, a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of individuals having at least one

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commonality between them or a subset of the group of individuals having at least one commonality between them given at least one of the age and gender of the insured (paragraphs 6 and 7) which illustrates different pricing schemes based on the age of the child.

In regard to claim 9 (Original), SmartKid and Sexton teach the method of claim 8. Smartkid further teaches a method wherein the premium and death benefit do not vary based on at least one of an age, health, or gender of the potential payor (paragraphs 4 - 8) as the policy is based on the child's age, not on payor's (parents in this case) age, health, or gender.

In regard to claim 10 (Currently Amended), SmartKid and Sexton teach the method of claim 1. Smartkid further teaches a method wherein the probability of an incidence of the event that triggers the waiver of premium feature accounts for at least one limitation for exercising the waiver of premium feature selected from a group consisting of a 2-year waiting period, a generational qualification, and an age limit for the insured (paragraph 4) where a minimum and maximum age limit of the parents determines qualification.

In regard to claim 13 (Currently Amended), Smartkid teaches a method for providing juvenile insurance having a waiver of premium feature comprising: determining whether the potential payor belongs to a group of acceptable payors based on eligibility requirements (paragraph 4); determining one of a premium or death benefit for the potential payor, based at least in part on: (1) the potential payor's affiliation as a member with the group of individuals having at least one commonality between them (paragraph 4) and (2) at least one of the age and gender of the insured (paragraph 4); and offering, to the potential payor, a juvenile insurance policy having the waiver of premium feature and the determined premium or death benefit (paragraphs 4, 9—12, and 22).

Smartkid fails to teach a method comprising: obtaining, via a computer, information useful for issuing a juvenile insurance policy for a potential payor and an insured that comprises at least one of an age of the insured and a gender of the insured; determining, via a computer, one of a premium and a death

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benefit for the potential payor, the premium and death benefit computed based at least in part on: (3) a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of individuals having at least one commonality between them or a subset of the group of individuals having at least one commonality between them given at least one of an age and gender of the insured, wherein the event that triggers the waiver of premium feature comprises death of the payor.

Sexton teaches a method comprising: obtaining, via a computer, information useful for issuing a juvenile insurance policy for a potential payor and an insured that comprises at least one of an age of the insured and a gender of the insured (column 13, lines 29 – 66; column 14, lines 10 – 23; and column 18, line 61 through column 19, line 6); determining, via a computer, one of a premium and a death benefit for the potential payor, the premium and death benefit (Abstract; column 4, lines 17 - 29; and column 18, line 61 through column 19, line 6) computed based at least in part on: (3) a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of individuals having at least one commonality between them or a subset of the group of individuals having at least one commonality between them given at least one of an age and gender of the insured, wherein the event that triggers the waiver of premium feature comprises death of the payor (column 9, lines 1 – 30 and column 12, lines 19 – 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising: obtaining, via a computer, information useful for issuing a juvenile insurance policy for a potential payor and an insured that comprises at least one of an age of the insured and a gender of the insured; determining, via a computer, one of a premium and a death benefit for the potential payor, the premium and death benefit computed based at least in part on: (3) a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of individuals having at least one commonality between them or a subset of the group of individuals having at least one commonality between them given at least one of an age and gender of the insured, wherein the event that triggers the waiver of premium feature comprises death of

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the payor as taught by Sexton, within the method of Smartkid, with the motivation of providing life insurance policies on a computerized system (column 4, lines 54 – 59).

In regard to claim 14 (Currently Amended), Smartkid teaches a method for providing juvenile insurance having a waiver of premium feature comprising: determining whether the potential payor belongs to a group of acceptable payors based on eligibility requirements including the potential payor's affiliation as a member within a group of individuals having at least one commonality between them (paragraph 4, where the group of payors with a commonality are parents (with children between the ages of 0 – 12); and offering, to the potential payor, a juvenile insurance policy having the waiver of premium feature and the determined premium or death benefit (Smartkid: paragraphs 9 – 12 and 22).

Smartkid fails to teach a method comprising: determining, via the computer, one of a premium and a death benefit for the potential payor the premium or death benefit being computed based at least in part on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an acceptable payor, and obtaining, via a computer, information useful for issuing a juvenile insurance policy for a potential payor and an insured.

Sexton teaches a method comprising: determining, via the computer, one of a premium and a death benefit for the potential payor the premium or death benefit being computed based at least in part on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an acceptable payor (Sexton: (column 9, lines 1 – 30 and column 12, lines 19 – 26), and obtaining, via a computer, information useful for issuing a juvenile insurance policy for a potential payor and an insured (Sexton: column 13, lines 29 – 66; column 14, lines 10 – 23; and column 18, line 61 through column 19, line 6).

The motivation to combine the teachings of Smartkid and Sexton is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 17 (Currently Amended), SmartKid and Sexton teach the method of claim 14. Smartkid further teaches a method comprising the subset of the group of individuals having at least one

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commonality between them comprises individuals of the group able to purchase juvenile insurance based on limitations for insurability comprising age and generational qualifications (paragraph 4).

In regard to claim 18 (Currently Amended), SmartKid and Sexton teach the method of claim 14.

Smartkid further teaches a method wherein the waiver of premium feature is a standard feature of the juvenile insurance policy (paragraph 11).

In regard to claim 19 (Currently Amended), SmartKid and Sexton teach the method of claim 14.

Smartkid further teaches a method wherein the event that triggers the waiver of premium feature comprises death of the payor (paragraphs 9 and 11).

5. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SmartKid and Sexton further in view of Spinar ("An Argument for Children's Insurance." Life Association News. Washington: May 1993. Vol. 88, Iss. 5; pg. 126, 3 pgs.), and Keller et al. (U.S. Publication Number 2003/0093304 A1), herein after Keller.

In regard to claim 7 (Original), SmartKid and Sexton teach the method of claim 6. SmartKid and Sexton fail to teach a method wherein the probability associated with an incidence of an event that triggers the waiver of premium feature for an individual of the group of acceptable payors or the subset of the group of acceptable payors is determined based on mortality data for the group of acceptable payors or the subset of the group of acceptable payors, respectively.

Spinar teaches a method wherein the probability associated with an incidence of an event that triggers the waiver of premium feature for an individual of the group of acceptable payors (paragraph 25) where Spinar discloses waiver of premium in the event the payer (in this case, the parent) dies, until the child reaches the age of 25.

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Spinar fails to teach a method where the subset of the group of acceptable payors is determined based on mortality data for the group of acceptable payors or the subset of the group of acceptable payors, respectively mortality table or data.

Keller teaches a method where the subset of the group of acceptable payors is determined based on mortality data for the group of acceptable payors or the subset of the group of acceptable payors, respectively mortality table or data (figure 18 and paragraph [0072]) where Keller discloses the use of mortality tables, which can be used in conjunction with other relevant information.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the mortality data is used for the group of acceptable payors or the subset of the group of acceptable payors, respectively as taught by Keller with the motivation of providing a means for evaluating the risk of insurance based on the risk of mortality of the policy purchaser (paragraph [0078]).

In regard to claim 20 (Currently Amended), SmartKid and Sexton teach the method of claim 14. SmartKid and Sexton fail to teach a method wherein the probability associated with an incidence of an event that triggers the waiver of premium feature for an individual member of one of the group of individuals having at least one commonality between them and a subset of the group of individuals having at least one commonality between them is determined based on mortality data for one of the group of individuals having at least one commonality between them and the subset of the group of individuals having at least one commonality between them, respectively.

Spinar teaches a method wherein the probability associated with an incidence of an event that triggers the waiver of premium feature for an individual member of one of the group of individuals having at least one commonality between them (paragraph 19) and a subset of the group of individuals having at least one commonality between them is determined based on mortality data for one of the group of individuals having at least one commonality between them and the subset of the group of individuals having at least one commonality between them, respectively (paragraph 19). Spinar fails to teach mortality data.

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Keller teaches a method of using mortality data to determine a commonality between a group of individuals (paragraph 2).

The motivation to combine the teachings of SmartKid, Spinar, and Keller is discussed in the rejection of claim 7, and incorporated herein.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over SmartKid and Sexton further in view of Spinar ("An Argument for Children's Insurance." Life Association News. Washington: May 1993. Vol. 88, Iss. 5; pg. 126, 3 pgs.).

In regard to claim 11 (Currently Amended), SmartKid and Sexton teach the method of claim 1. SmartKid and Sexton fail to teach a method wherein the premium and death benefit are determined based at least in part on the probability of an incidence of an event that triggers the waiver of premium feature accounting for the blend of the individuals of the group of acceptable payors with regard to at least one of age, gender, and generational qualification.

Spinar teaches a method wherein the premium and death benefit are determined based at least in part on the probability of an incidence of an event that triggers the waiver of premium feature accounting for the blend of the individuals of the group of acceptable payors with regard to at least one of age, gender, and generational qualification (paragraphs 23 - 25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the premium and death benefit are determined based at least in part on the probability of an incidence of an event that triggers the waiver of premium feature accounting for the blend of the individuals of the group of acceptable payors with regard to at least one of age, gender, and generational qualification as taught by Spinar, within the method of Smartkid and Sexton, with the motivation of providing economic protection for a child in the event of death of the parent or individual paying for the policy (paragraph 1).

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7. Claim 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over SmartKid and Sexton further in view of Keller et al., herein after Keller (U.S. Publication Number 2003/0093304).

In regard to claim 12 (Original), SmartKid and Sexton teach the method of claim 1. SmartKid, Sexton, and Spinar fail to teach a method wherein the premium and death benefit are computed based at least in part on an anti-selection factor.

Keller teaches a method wherein the premium and death benefit are computed based at least in part on an anti-selection factor (paragraph [0084]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the premium and death benefit are computed based at least in part on an anti-selection factor as taught by Keller with the motivation of providing a means for evaluating the coverage available to an individual purchasing a policy (paragraph [0085]).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over SmartKid and Sexton, further in view of Weiss et al. (U.S. Publication Number 2004/0078242 A1).

In regard to claim 16 (Currently Amended), SmartKid and Sexton teach the method of claim 14. Smartcard teaches a method wherein the group of individuals having at least one commonality between (paragraph 4).

SmartKid and Sexton fail to teach the commonality comprising members of the AARP.

Weiss et al. teaches a method where a group of individuals having at least one commonality between them comprises members of the AARP (paragraph [0010]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method where a group of individuals having at least one commonality between them comprises members of the AARP as taught by Weiss with the motivation to provide a contracting entity for obtaining an insurance policy (paragraph [0014]).

Response to Arguments

9. Applicant's arguments filed December 11, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed December 11, 2008.

In response to the Applicant's arguments regarding claims 1, 4 – 6, 8, 10 – 11, 13 – 14, and 16 – 20, it is respectfully submitted that the Examiner has applied new prior art; as such, Applicant's remarks with the regard to the application of Smartkid, Spinar, Kellar, and Weiss are moot with the application of the Sexton reference.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626